APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/728,195	11/30/2000	Elizabeth Ann Beamon	206899	4425

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EXAMINER
TRAN, QUOC DUC

ART UNIT	PAPER NUMBER
2643	13

DATE MAILED: 05/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO 90C (Rev 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>09 March 2004</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.

  4a) Of the above claim(s) *13 and 14* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12 and 15-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

  a)☐ All   b)☐ Some * c)☐ None of:

  1.☐ Certified copies of the priority documents have been received.

  2.☐ Certified copies of the priority documents have been received in Application No. _____.

  3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
  application from the International Bureau (PCT Rule 17.2(a)).

  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
  Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
  Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

2.   Claims 1-12 and 15-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Kinser, Jr. et al (5,790,633) in view of Ballantine et al (6,446,123).

Consider claim 1, Kinser, Jr. et al teach a method of managing proactive maintenance

tasks for a telephone system local loop, the method comprising: storing local loop proactive

maintenance tasks; and searching the tasks using at least one search criteria (col. 12 line 41 – col.

14 lines 58); permitting deletion of proactive maintenance tasks (col. 14 lines 48-53); and

permitting exclusion of proactive maintenance tasks (col. 14 lines 48-53). The "deletion" and

"exclusion" been read on by "alter".

Kinser, Jr. et al did not suggest deletion of proactive maintenance tasks *if the proactive*

maintenance task has not been sent to a technician, which dispatches proactive maintenance

tasks to technicians. That is, deleting an existing tasks or work orders. Since "existing" tasks or

orders are orders or task that has not been dispatched. However, Ballantine et al teach a

maintenance tool that enable user to search, modify and delete an existing report.

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to utilize the teaching of Ballantine et al in view of Kinser, Jr. et al in order to update tasks or work orders.

Furthermore, Kinser, Jr. et al did not clearly suggest excluding proactive maintenance tasks *if the proactive maintenance task has been sent to technicians.* That is closing the tasks or orders if the tasks or order has been dispatched. However, it is obvious to one skill in the art to do so in order to prevent from dispatching the same orders or tasks that would cause overload or confusion.

Consider claim 2, Kinser, Jr. et al teach a method of managing proactive maintenance tasks further comprising predicting local loop proactive maintenance tasks (col. 29 line 41 – col. 30 line 17).

Consider claim 3, Kinser, Jr. et al teach a method of managing proactive maintenance tasks wherein the at least one search criteria includes at least one of Proactive Maintenance Application number, Trouble Ticket Number, area code, status, Wire Center, district, manager, and supervisor (col. 12 line 41 – col. 14 lines 58).

Consider claim 4, Kinser, Jr, et al teach a method of managing proactive maintenance tasks wherein the at least one search criteria includes at least one of technician, date, address, description, technician narrative, disposition code, priority, intermediate status code, work code, authorization, cable, and line pair (col. 12 line 41 – col. 14 lines 58).

Consider claim 5, Kinser, Jr. et al teach a method of managing proactive maintenance tasks further comprising sorting the tasks using at least one sort criteria (col. 27 lines 15-61).

Consider claim 6, Kinser, Jr. et al teach a method of managing proactive maintenance tasks wherein the sort criteria includes at least one of Proactive Maintenance Application number, Trouble Ticket Number, area code, status, Wire Center, district, manager, and supervisor (col. 27 lines 15-61).

Consider claim 7, Kinser, Jr. et al teach a method of managing proactive maintenance tasks wherein the sort criteria includes at least one of technician, date, address, priority, status code, work code, and authorization (col. 27 lines 15-61).

Consider claim 8, Kinser, Jr. et al teach a method of managing proactive maintenance tasks further comprising editing the local loop proactive maintenance tasks using at least one edit criteria, the edit criteria including at least one of wire center, district, priority, date, work code, manager, supervisor, technician, maintenance center, authorization, address, and work description (col. 12 line 65 – col. 14 lines 58).

Consider claim 9, Kinser, Jr. et al teach a method of managing proactive maintenance tasks further comprising acquiring cable and line pair information associated with the local loop proactive maintenance tasks (col. 13 lines 30-37).

Consider claim 10, Kinser, Jr. et al teach a method of managing proactive maintenance tasks further comprising generating work order information describing the local loop proactive maintenance tasks (col. 14 line 59 – col. 15 line 4; col. 16 lines 32-65).

Consider claim 11, Kinser, Jr. et al teach a method of managing proactive maintenance tasks further comprising dispatching the local loop proactive maintenance tasks (col. 14 lines 28-67).

Consider claim 12, Kinser, Jr. et al teach a method of managing proactive maintenance tasks further comprising adding additional local loop proactive maintenance tasks to the stored tasks (col. 14 lines 48-64).

Consider claim 15, Kinser, jr. et al teach a method of managing proactive maintenance tasks further comprising communicating with a communications network and acquiring information associated with a Loop Maintenance Operating System (col. 13 lines 6-16).

Consider claim 16, Kinser, Jr. et al teach a method of managing proactive maintenance tasks further comprising searching pending proactive maintenance tasks (col. 12 line 41 – col. 14 lines 58).

Consider claim 17, Kinser, Jr. et al teach a method of managing proactive maintenance tasks further comprising generating summary reports describing the tasks (col. 14 lines 54-58).

Consider claim 18, Kinser, Jr. et al teach a system configured for predicting proactive maintenance of a telephone system local loop, the system comprising: at least one of a Dynamic Network Analyzer module and a Loop Facilities and Control System module, the Dynamic Network Analyzer module communicating with a communications network and acquiring information associated with a Dynamic Network Analyzer, the Loop Facilities and Control System module communicating with the communications network and acquiring information associated with a Loop Facilities and Control System (col. 29 lines 41-57; col. 34 lines 37-58; col. 50 lines 59-61); a database stored in memory, the database storing the acquired information; a processor capable of processing information stored in the database and of generating predicted proactive maintenance (col. 29 line 30 – col. 31 line 5; col. 33 line 66 – col. 47 line 41; Fig. 21-22 and 24-25); and a Utilities module for managing the predicted proactive maintenance (col. 14

lines 48-58), *said managing including storing local loop proactive maintenance tasks; and searching the tasks using at least one search criteria (col. 12 line 41 – col. 14 lines 58); permitting deletion of proactive maintenance tasks (col. 14 lines 48-53); and permitting exclusion of proactive maintenance tasks (col. 14 lines 48-53). The "deletion" and "exclusion" been read on by "alter".*

Kinser, Jr. et al did not suggest deletion of proactive maintenance tasks *if the proactive maintenance task has not been sent to a technician*, which dispatches proactive maintenance tasks to technicians. That is, deleting an existing tasks or work orders. Since "existing" tasks or orders are orders or task that has not been dispatched. However, Ballantine et al teach a maintenance tool that enable user to search, modify and delete an existing report.

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to utilize the teaching of Ballantine et al in view of Kinser, Jr. et al in order to update tasks or work orders.

Furthermore, Kinser, Jr. et al did not clearly suggest excluding proactive maintenance tasks *if the proactive maintenance task has been sent to technicians.* That is closing the tasks or orders if the tasks or order has been dispatched. However, it is obvious to one skill in the art to do so in order to prevent from dispatching the same orders or tasks that would cause overload or confusion.

Consider claim 19, Kinser, Jr. et al teach a computer program product for proactively maintaining a telephone system; comprising: a computer-readable medium; and a Utilities module stored on the medium, the Utilities module managing local loop proactive maintenance tasks (col. 14 lines 48-58), *said managing including storing local loop proactive maintenance*

tasks; and searching the tasks using at least one search criteria (col. 12 line 41 – col. 14 lines 58); permitting deletion of proactive maintenance tasks (col. 14 lines 48-53); and permitting exclusion of proactive maintenance tasks (col. 14 lines 48-53). The "deletion" and "exclusion" been read on by "alter".

Kinser, Jr. et al did not suggest deletion of proactive maintenance tasks *if the proactive maintenance task has not been sent to a technician*, which dispatches proactive maintenance tasks to technicians. That is, deleting an existing tasks or work orders. Since "existing" tasks or orders are orders or task that has not been dispatched. However, Ballantine et al teach a maintenance tool that enable user to search, modify and delete an existing report.

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to utilize the teaching of Ballantine et al in view of Kinser, Jr. et al in order to update tasks or work orders.

Furthermore, Kinser, Jr. et al did not clearly suggest excluding proactive maintenance tasks *if the proactive maintenance task has been sent to technicians.* That is closing the tasks or orders if the tasks or order has been dispatched. However, it is obvious to one skill in the art to do so in order to prevent from dispatching the same orders or tasks that would cause overload or confusion.

Response to Arguments

3.   Applicant's arguments with respect to claims 1-12 and 15-19 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

5.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6.   Any response to this action should be mailed to:

> Commissioner of Patents and Trademarks
> Washington, D.C. 20231
> Facsimile responses should be faxed to:
> **(703) 872-9306**
> Hand-delivered responses should be brought to:
> Crystal Park II, 2121 Crystal Drive
> Arlington. VA., Sixth Floor (Receptionist)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Quoc Tran** whose telephone number is **(703) 306-5643**. The examiner can normally be reached on Monday-Thursday from 8:00 to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Curtis Kuntz**, can be reached on **(703) 305-4708**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600** whose telephone number is **(703) 306-0377**.

**QUOC TRAN /
PRIMARY EXAMINER**
AU 2643
May 20, 2004